

AMENDED IN ASSEMBLY MARCH 30, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

## ASSEMBLY BILL

No. 324

**Introduced by Assembly Member Mountjoy  
(~~Principal coauthor: Assembly Member Goldberg~~)**

February 10, 2005

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An act to add Section 10007 to the Penal Code, relating to inmates.

### LEGISLATIVE COUNSEL'S DIGEST

AB 324, as amended, Mountjoy. Correctional facilities: ~~clergy~~  
~~access faith- and morals-based programs.~~

Existing law generally regulates the confinement and treatment of inmates in correctional facilities. *Existing law provides that it is the intention of the Legislature that all prisoners confined in local detention facilities and state prisons be afforded reasonable opportunities to exercise religious freedom.*

~~This bill would provide that a correctional facility may not deny a clergy member access to the facility because of specified actions by the clergy member.~~

~~The bill would declare the intent of the Legislature to assist state and local agencies in complying with specified case law.~~

*This bill would make specified findings and declarations regarding the benefits of faith- and morals-based programs in jails and state prisons, and would encourage local entities and the Department of Corrections to develop and implement faith- or morals-based programs in their correctional facilities.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Section 10007 is added to the Penal Code, to~~  
2     ~~read:~~

3     *SECTION 1. Section 4027.5 is added to the Penal Code, to*  
4     *read:*

5     *4027.5. (a) The Legislature finds and declares that inmates*  
6     *in jails and other local detention facilities benefit from*  
7     *participation in faith-based programs.*

8     *(b) Chaplains, faith-based volunteer groups, and other*  
9     *spiritual advisors can play an important role in causing inmates*  
10    *to reevaluate their lives, develop empathy for their victims, and*  
11    *abandon antisocial attitudes and criminal lifestyles.*

12    *(c) Access to clergy members and spiritual advisors is an*  
13    *important element in permitting inmates to change their lives for*  
14    *the better.*

15    *(d) Faith-based programs, including the participation of*  
16    *volunteer religious organizations, are an important component of*  
17    *an overall strategy to reduce inmate recidivism through*  
18    *improved treatment programs.*

19    *(e) To the extent that the expanded use of faith- and*  
20    *morals-based programs reduce inmate recidivism and violations*  
21    *of detention facility rules, they will greatly reduce property loss,*  
22    *harm to victims, and costs associated with incarceration and*  
23    *other aspects of the criminal justice system.*

24    *(f) Inmates who wish to turn their lives around through*  
25    *participation in faith- and morals-based programs should be*  
26    *given reasonable opportunities to do so.*

27    *(g) Cities, counties, and other local entities that operate*  
28    *detention facilities are encouraged to develop and implement*  
29    *faith-based or morals-based programs in those facilities*  
30    *consistent with the safety and security of the facilities and other*  
31    *legitimate penological interests, and, as provided in Section*  
32    *4027, should provide inmates with reasonable access to clergy*  
33    *members and spiritual advisers, volunteer religious*  
34    *organizations, and faith- and morals-based programs.*

35    *SEC. 2. Section 5009.5 is added to the Penal Code, to read:*

36    *5009.5. (a) The Legislature finds and declares that prisoners*  
37    *benefit from participation in faith-based programs.*

1     ***(b) Chaplains, faith-based community groups, and other***  
2     ***spiritual advisors can play an important role in causing***  
3     ***prisoners to reevaluate their lives, develop empathy for their***  
4     ***victims, and abandon antisocial attitudes and criminal lifestyles.***

5     ***(c) Access to clergy members and spiritual advisors is an***  
6     ***important element in permitting inmates to change their lives for***  
7     ***the better.***

8     ***(d) Faith-based programs, including the participation of***  
9     ***volunteer religious organizations, are an important component of***  
10    ***an overall strategy to reduce inmate recidivism through***  
11    ***improved treatment programs.***

12    ***(e) To the extent that the expanded use of faith- and***  
13    ***morals-based programs reduce inmate recidivism and violations***  
14    ***of prison rules, they will greatly reduce prison costs, property***  
15    ***loss, and harm to victims.***

16    ***(f) Prison inmates who wish to turn their lives around through***  
17    ***participation in faith- and morals-based programs should be***  
18    ***given reasonable opportunities to do so.***

19    ***(g) The Department of Corrections is encouraged to develop***  
20    ***and implement faith-based or morals-based programs in the***  
21    ***California prison system consistent with the safety and security***  
22    ***of each correctional institution and other legitimate penological***  
23    ***interests, and, as provided in Section 5009, should provide***  
24    ***inmates with reasonable access to clergy members and spiritual***  
25    ***advisers, volunteer religious organizations, and faith- and***  
26    ***morals-based programs.***

27    ~~10007. (a) A correctional facility may not deny a clergy~~  
28    ~~member access to the facility because the clergy member lodges~~  
29    ~~a complaint about the behavior of staff or of the operation of the~~  
30    ~~facility, assists in efforts to modify the functions of the facility,~~  
31    ~~or provides information to the public, including the media, on~~  
32    ~~any aspect of the operation of the facility, provided the~~  
33    ~~information does not create a clear and present danger to the~~  
34    ~~safety and security of the facility, staff, inmates, or the public~~  
35    ~~through a violation of facility rules, or violate state or federal~~  
36    ~~law.~~

37    ~~(b) As used in this section, "clergy member" means a priest,~~  
38    ~~minister, rabbi, imam, religious practitioner, lay chaplain, or~~  
39    ~~similar functionary acting under the auspices of a church, temple,~~

1 mosque, or other recognized religious denomination or  
2 organization.

3 (c) As used in this section, “correctional facility” means a state  
4 prison, county jail, Department of the Youth Authority facility,  
5 county or city operated juvenile facility, including a juvenile hall,  
6 camp, or school, or other state or local correctional institution.

7 (d) It is the intent of the Legislature in enacting these  
8 provisions to assist state and local agencies in their compliance  
9 with the holding of *Hyland v. Wonder* (9th Cir. 1997) 117 F.3d  
10 405.